

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |   |
|---|--|---|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b> |  | ATTORNEY'S DOCKET NUMBER<br>09086-00221-US<br><br>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/532511</b> |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP2003/011681  | INTERNATIONAL FILING DATE<br>22 October 2003 | PRIORITY DATE CLAIMED<br>25 October 2002  |
| TITLE OF INVENTION    RACEMOSELECTIVE SYNTHESIS OF RAC-DIORGANOSILYLBI(2-METHYLBENZPO[E]INDEYL)ZIRCONIUM COMPOUNDS                      |  |   |
| APPLICANT(S) FOR DO/EO/US    Hans-Robert-Hellmuth Damrau et al.   |  |   |

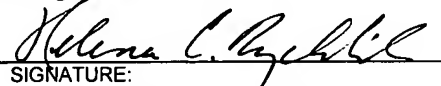
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information: Copy of as-filed application

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |   |            |                          |              |
|---|--|---|------------|--------------------------|--------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)   |  | INTERNATIONAL APPLICATION NO.   |            | ATTORNEY'S DOCKET NUMBER |              |
| 10/532511   |  | PCT/EP2003/011681   |            | 09086-00221-US           |              |
| The following fees have been submitted  |  |   |            | CALCULATIONS             | PTO USE ONLY |
| 21.   | <input checked="" type="checkbox"/> Basic national fee | \$300   |            | \$ 300.00                |              |
| 22.   | <input checked="" type="checkbox"/> Examination fee    |   |            |                          |              |
| If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100   |  |   |            |                          |              |
| All other situations ..... \$200  |  |   |            | \$ 200.00                |              |
| 23.   | <input checked="" type="checkbox"/> Search fee         |   |            |                          |              |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100  |  |   |            |                          |              |
| International Search Report prepared and provided to the Office ..... \$400   |  |   |            |                          |              |
| All other situations ..... \$500  |  |   |            | \$ 400.00                |              |
| TOTAL OF 21, 22 and 23 =  |  |   |            | \$ 900.00                |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |  |   |            |                          |              |
| Total Sheets  | Extra sheets   | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE       |                          |              |
| 28 - 100 =  | /50 =  |   | x \$250.00 |                          |              |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).   |  |   |            | \$                       |              |
| CLAIMS  | NUMBER FILED   | NUMBER EXTRA  | RATE       |                          |              |
| Total claims  | 18 - 20 =  | x   | \$ 0.00    |                          |              |
| Independent claims  | 1 - 3 =  | x   | \$ 0.00    |                          |              |
| MULTIPLE DEPENDENT CLAIM(s) (if applicable)   |  |   | +          | \$                       |              |
| TOTAL OF ABOVE CALCULATIONS =   |  |   |            | \$ 900.00                |              |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.  |  |   |            | \$                       |              |
| SUBTOTAL =  |  |   |            | \$ 900.00                |              |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).  |  |   |            | +                        | \$           |
| TOTAL NATIONAL FEE =  |  |   |            | \$ 900.00                |              |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property   |  |   |            | +                        | \$           |
| TOTAL FEES ENCLOSED =   |  |   |            | \$ 900.00                |              |
|   |  |   |            | Amount to be refunded:   | \$           |
|   |  |   |            | Amount to be charged:    | \$           |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>03-2775</u> in the amount of \$ <u>900.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-2775</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p style="text-align: right;"> <br/>       SIGNATURE:<br/>       Helena C. Rychlicki<br/>       NAME     </p> <p>CUSTOMER NUMBER: 23416</p> <p style="text-align: right;">48,179<br/>REGISTRATION NUMBER</p> |  |   |            |                          |              |

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 09086-00221-US

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV431074211US in an envelope addressed to:

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on

April 25 2005  
Date /

*Wendy Ketcham*  
Signature

Wendy Ketcham

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office  
Fee Transmittal  
Application Data Sheet  
Copy of the International application with search report attached  
Copy of as-filed application  
Information Disclosure Statement, SB08, with references  
Preliminary Amendment  
Declaration / POA  
Postcard  
Charge \$900.00 to deposit account 03-2775

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |                                 |                             |
|---|--|---------------------------------|-----------------------------|
| <p>Effective on 12/08/2004.<br/>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3> |  | <p><b>Complete if Known</b></p> |                             |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27  |  | Application Number              | Not Yet Assigned            |
|   |  | Filing Date                     | Concurrently Herewith       |
|   |  | First Named Inventor            | Hans-Robert-Hellmuth Damrau |
|   |  | Examiner Name                   | Not Yet Assigned            |
|   |  | Art Unit                        | N/A                         |
| TOTAL AMOUNT OF PAYMENT   |  | (\$)                            | 900.00                      |
|   |  | Attorney Docket No.             | 09086-00221-US              |

**METHOD OF PAYMENT** (check all that apply)

☐ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account    Deposit Account Number: 03-2775    Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17    ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

|                      |                     |                 |                      |                                  |                 |                      |
|----------------------|---------------------|-----------------|----------------------|----------------------------------|-----------------|----------------------|
| <u>Total Claims</u>  | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| 18                   | - 20 =              | x               | =                    |                                  |                 |                      |
| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |                                  |                 |                      |
| 1                    | - 3 =               | x               | =                    |                                  |                 |                      |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| 28           | - 100 =      | /50 (round up to a whole number) x               | =        |               |

**4. OTHER FEE(S)**

|   | Fees Paid (\$) |
|---|----------------|
| Non-English Specification, \$130 fee (no small entity discount) |                |
| Other (e.g., late filing surcharge):                            |                |
| 1631 Basic National Stage fee                                   | 300.00         |
| 1633 National Stage Examination Fee - all other ...             | 200.00         |
| 1642 National Stage Search Fee - search report ...              | 400.00         |

|                     |                            |                                   |                |
|---------------------|----------------------------|-----------------------------------|----------------|
| <b>SUBMITTED BY</b> |                            |                                   |                |
| Signature           | <i>Helena C. Rychlicki</i> | Registration No. (Attorney/Agent) | 48,179         |
| Name (Print/Type)   | Helena C. Rychlicki        | Telephone                         | (302) 658-9141 |
|                     |                            | Date                              | 4/25/05        |